

To: McDaniel, Doug[McDaniel.Doug@epa.gov]; Schofield, John[Schofield.John@epa.gov]
Cc: PerezSullivan, Margot[PerezSullivan.Margot@epa.gov]
From: Jones, Joel E.
Sent: Tue 4/26/2016 5:42:49 PM
Subject: FW: Follow up from LA Times - Exide

FYI

From: PerezSullivan, Margot
Sent: Tuesday, April 26, 2016 9:45 AM
To: Huetteman, Tom <Huetteman.Tom@epa.gov>; Scott, Jeff <Scott.Jeff@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>; Huetteman, Tom <Huetteman.Tom@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Lyons, John <Lyons.John@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>; Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>; Kao, Jessica <Kao.Jessica@epa.gov>; Karlson, Kristine <Karlson.Kristine@epa.gov>; Keener, Bill <Keener.Bill@epa.gov>
Subject: Follow up from LA Times - Exide
Importance: High

Good Morning, I just heard back from Tony Barboza who has some additional questions/clarifications. I've copy and pasted his follow up questions below. I believe I've captured everyone in the email chains from late last week and yesterday. The penalty question seems easy to answer. Regarding DTSC, I'm inclined to stand by what we said originally – not sure how detailed we want to be regarding EPA's oversight. I would prefer to speak on the phone about this. Should I organize a call? Please let me know as soon as you're able. Also, please add anyone that I'm missing in this email chain.

4. What resolutions have there been to the violations Exide was cited for by U.S. EPA, including those issued in May 2014, March 2015 and any other citations? Did Exide pay any penalties in connection with those or other alleged violations?

On May 22, 2014, EPA issued a Notice of Violation to Exide for excessive lead emissions. Prior to the closure of the facility, EPA had been requested by the South Coast Air Quality Management District to review the facility's compliance with lead emission requirements contained in the federally enforceable State Implementation Plan. Up to the closure of the facility, EPA continued to coordinate with South Coast Air Quality Management District's enforcement efforts, which included two abatement orders approved the District's Hearing Board

in July 2014.

Did Exide pay any penalties paid for those violations? Have those USEPA citations been resolved or settled in any way?

5. Does EPA have any ongoing investigations involving Exide, related companies or public officials that oversaw the plant? Is EPA monitoring the company's compliance with the requirements of the U.S. attorney's office March 2015 non-prosecution agreement?

EPA's policy prohibits commenting on the existence of investigations. The Non-Prosecution Agreement (NPA) signed on March 11, 2015, is an agreement between the U.S. Attorney's Office and Exide Technologies. EPA-CID Region 9 is not monitoring Exide Technologies compliance with the terms of the NPA. Questions concerning the NPA should be directed to the Thom Mrozek U.S. Attorney's Office at thom.mrozek@usdoj.gov or 213-894-2400.

6. Is EPA satisfied with the California DTSC's oversight and its allowance of the continued operation of this facility, even as it logged a long history of lead emissions and hazardous waste violations? Having been informed of those violations, what did EPA do to ensure the problems and any state regulatory deficiencies were corrected?

Exide was a complex facility for DTSC and other environmental agencies to regulate. As concerns associated with the facility mounted, EPA increased its involvement at the Exide facility, including increased review of RCRA activities, and EPA led inspections and enforcement responses. EPA's criminal investigation led to the permanent closure of the Vernon facility in March 2015 under the NPA.

Is EPA satisfied with the state's oversight of this facility? Were any regulatory deficiencies identified or corrected? Lastly, can you please describe or list the "enforcement responses" to which you refer?

7. Has EPA or Region 9 changed any policies or procedures in how it oversees the California DTSC, lead-acid battery smelters, lead-emitting industries and other hazardous waste facilities in the wake of what happened at Exide? What has been done to ensure a similar outcome does not happen elsewhere?

EPA's oversight of DTSC evolves over time to respond to issues that arise and any performance

concerns. We have increased our involvement at Exide over the past few years and have increased our overall oversight of DTSC's RCRA program. Nationally, EPA is taking steps to more closely examine sources of lead contamination.

Please be specific: How has EPA increased its overall oversight of DTSC's RCRA program? Was this specifically because of the Exide case? Can you elaborate on how such changes will work to prevent similar outcomes at other facilities?

Margot Perez-Sullivan
U.S. Environmental Protection Agency
D: 415.947.4149

C: 415.412.1115

E: perezsullivan.margot@epa.gov